

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA,**

**v.**

**DEIDRA DURAN**

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**CASE NUMBER 6:14-CR-00025-011-RC**

**REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On January 22, 2018, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Deidra Duran. The government was represented by Allen Hurst, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

Defendant originally pled guilty to the offense of Conspiracy to Possess with Intent to Distribute Methamphetamine and Heroin, a Class C felony. The offense carried maximum imprisonment terms of 20 years. The United Sentencing Guideline range, based on a total offense level of 17 and a criminal history category of II, was 27 to 33 months. On January 16, 2016, District Judge Michael H. Schneider sentenced Defendant to 32 months imprisonment followed by a 3 year term of supervised release subject to standard conditions of release, plus special conditions to include financial disclosure, substance abuse treatment and testing, mental health treatment, and obtaining her general educational development certificate (GED). On April 8, 2016, Defendant completed her period of imprisonment and began service of the supervision term.

Under the terms of supervised release, Defendant was required to refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. In its petition, the government alleges that Defendant violated her conditions of supervised release when she submitted a urine specimen which was tested positive for methamphetamine on June 29, 2017, a Grade B violation.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release when she submitted a urine specimen which tested positive for methamphetamine on June 29, 2017, Defendant will have committed a Grade B violation. U.S.S.G. §7B1.1(a). Upon a finding of a Grade B violation, the Court may revoke probation or supervised release. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of II, the Guideline imprisonment range for a Grade B violation is 6 to 12 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the condition of supervised release referenced above by committing the acts as alleged in the government's petition. In exchange, the government agreed to recommend to the Court a sentence of 10 months with credit for time served from November 4, 2017 with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Deidra Duran be committed to the custody of the Bureau of Prisons for a term of imprisonment of 10 months with credit for time served from November 4, 2017 with no supervised release to follow. The Court **FURTHER RECOMMENDS** drug treatment and that

the place of confinement be FMC Carswell, if available, in order to facilitate family visitation and drug treatment.

**So ORDERED and SIGNED this 22nd day of January, 2018.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE